



[4910-13]

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA-2012-0609; Airspace Docket No. 12-AEA-10]**

#### **Amendment of Class D and Class E Airspace; Caldwell, NJ**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class D and Class E Airspace at Caldwell, NJ as the Paterson Non-Directional Radio Beacon (NDB) has been decommissioned and new Standard Instrument Approach Procedures have been developed at Essex County Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Effective 0901 UTC, June 27, 2013. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P. O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

#### **SUPPLEMENTARY INFORMATION:**

##### **History**

On January 24, 2013, the FAA published in the Federal Register a notice of proposed rulemaking to amend Class D and Class E airspace at Caldwell, NJ

(78 FR 5149) Docket No. FAA-2012-0609. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class D and Class E airspace designations are published in paragraph 5000 and 6004, respectively of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR Part 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

### **The Rule**

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class D airspace extending upward from the surface to and including 2,700 feet MSL within a 4.1-mile radius of Essex County Airport, and the Class E airspace area designated as an extension of Class D surface area is amended to within 2 miles each side of the 030° bearing of the airport extending from the 4.1-mile radius to 7 miles northeast of the airport, to accommodate the new Standard Instrument Approach Procedures developed for Essex County Airport, Caldwell, NJ. The Patterson Non-Directional Beacon has been decommissioned, and the NDB approach cancelled.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the

anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Essex County Airport, Caldwell, NJ.

### **Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

### **Lists of Subjects in 14 CFR Part 71:**

Airspace, Incorporation by reference, Navigation (Air).

### **Adoption of the Amendment:**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

**PART 71 --DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS;  
AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

Paragraph 5000 Class D Airspace

\* \* \* \* \*

**AEA NJ D Caldwell, NJ [Amended]**

Essex County Airport, Caldwell, NJ  
(lat. 40°52'30"N., long. 74°16'53"W.)

That airspace extending upward from the surface up to and including 2,700 feet MSL within a 4.1-mile radius of Essex County Airport, excluding the portion that coincides with Morristown, NJ Class D airspace area.. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6004. Class E Airspace Designated as an Extension to a Class D Surface Area.

\* \* \* \* \*

**AEA NJ E4 Caldwell, NJ [Amended]**

Essex County Airport, Caldwell, NJ

(lat. 40°52'30"N., long. 74°16'53"W.)

That airspace extending upward from the surface within 2 miles each side of a 030° bearing from the Essex County Airport, extending from the 4.1-mile radius of the airport to 7 miles northeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in College Park, Georgia, on **March 29, 2013**

**BARRY A. KNIGHT**

**Manager, Operations Support Group**

**Eastern Service Center, Air Traffic Organization**

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